# REMARKS

Reconsideration and allowance of the present application are respectfully requested in the view of the above-identified claim amendments in conjunction with the following remarks. Claims 1-6, 8-10, 12-19, 38-46, 49, and 50 are currently pending in this application. The second claim denominated as "Claim 49" has been renumbered as Claim 50 and denominated as "New". The subject of Claim 50 mirrors that of the "second", or the latter listed "Claim 49". Claims 9, 40, 41 have been indicated as allowable. By this amendment Claims 9 and 40 have been rewritten in independent form in accordance with the Office's guidance. As Claim 41 depends from Claim 40, Claim 41 is also allowable, per the Office's guidance. Claim 10 is also believed to be allowable based on its dependence from Claim 9, which has received and indication of allowability.

*Regarding the 35 U.S.C. § 103(a) Rejections*

Claims 1-6, 8, 10, 12-19, 38, 39 and 42-47 are rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,615,253 to Bowman-Amuah (hereinafter, "Bowman"). Claims 1-6, 8, 10, 12-19, 38, 39 and 42-47 are also rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,567,846 to Garg et al. (hereinafter, "Garg"). The Applicant respectfully traverses the rejection for at least the following reasons. Applicant respectfully re-forward the arguments from the previous Response.

Claim 1 is allowable because Bowman fails to teach each and every feature of the present claim. The Office's rejection *defacto* admits that not every feature is disclosed in Bowman as the pending rejection is under 35 U.S.C. § 103(a) rather than under §102. Thus, the Office is relying on the knowledge of one of ordinary

skill in the art to "fill-in" the missing teachings. While Applicant agrees that not all the features are taught in Bowman-Anuah, Applicant disagrees with the Office that one of ordinary skill in the art would have known of this contended teaching and "filled-in" the reference with the teaching.

As the Office is aware, Applicant is required to seasonably challenge statements by the Office that are not supported on the record. M.P.E.P. §2144.03. Further, it is noted that "Official Notice" is to be limited to instances where the facts are "capable of instant and unquestionable demonstration as being well-known". M.P.E.P. §2144.03. This is not the present situation. First, in accordance with M.P.E.P. §904 it is presumed that a full search was conducted and this search is indicative of the prior art. The search failed to disclose a reference which would teach or suggest modifying the *Bowman* reference to achieve the presently recited subject matter wherein "a subscriber request component configured to receive requests from the plurality of subscribers and modify the information stored in the information tracking component in accordance with the requests, wherein the publishing component is further configured to identify one or more of the plurality of subscribers affected by the modification to the information stored in the information tracking component, and to communicate, to the one or more of the plurality of subscribers affected by the modification, the information as modified." Consequently, the search revealed that the asserted substitution is not well-known and therefore is not entitled to be relied upon in order to reject the present claimed invention. If the Office is unable to provide such a reference, and is relying on facts based on personal knowledge, Applicant hereby request that such facts be set forth in an affidavit from the

Examiner under 37 C.F.R. 1.104(d)(2), so that the Applicant may offer rebutting evidence.

As discussed in the preceding Response, the Office has failed to cite where in the Bowman reference each feature is taught. The Office's pending rejection fails to note any particular part of the <u>281 pages</u> (alternatively the <u>195 figures and 310 columns of text</u>) forming the Bowman reference for the above teachings. In particular, the pending rejection does not include any specific cite which would indicate where the Offices assert that the teachings occurs. Further, "[w]here a major technical rejection is proper, it should be stated with a full development of reasons rather than by a mere conclusion coupled with some stereotyped expression." *M.P.E.P. §707.07(g)* As a result, the Office has failed to prove a *prima facie* case of obviousness as is required under the law. For reference, the Office's rejection (with respect to Bowman) is reproduced below.

6. Claims 1-6, 8,10, 12-19, 38, 39, and 42-47 are rejected under 35 U.S.c. 103 (a) as neing unpatentable over Bowman-Anuah (U.S. Pat. No. 6,615,253).

Bowman substantially discloses publishing information to the various users using push technology prior to the user requesting the content. In particular Bowman pushes a large set of content (including the content in which the user wants to receive) and then limiting or selecting a subset of that content based upon the particular user's desires. In this particular rejection, the Examiner interprets the various "components" as corresponding memory locations within a computer without software. In other words, each memory address or group of addresses is a "component". However Bowman does not explicitly disclose the system "components".

However it would have been obvious to a person having ordinary skill in the art at the time the invention was made to modify Bowman to include labeling each sections "components". Such a modification would have segregated the parts of the system which would help make debugging easier.

9.    In response to Applicant's arguments filed on 03/23/2006, Applicant argues that the prior art of record (Bowman and Garg) fail to disclose the limitations of claim 1. However, the Examiner respectfully disagrees with this assertion since bowman discloses the claimed limitations in the abstract, col 1-col 242.

Furthermore, Garg discloses Applicant's claimed invention in the abstract, col 1-col 10.

<center>Current Action, Pages 2-4.</center>

For arguments sake, assuming the Office's contention with respect to the knowledge of one of ordinary skill in the art is correct (for the present purposes only), the primary Bowman reference fails to teach or suggest (at least):

• "a subscriber request component configured to receive requests from the plurality of subscribers and modify the information stored in the information tracking component in accordance with the requests,

• wherein the publishing component is further configured to identify one or more of the plurality of subscribers affected by the modification to the information stored in the information tracking component, and to communicate, to the one or more of the plurality of subscribers affected by the modification, the information as modified."

Bowman does not teach these features recited in Claim 1 because the reference is not concerned with identifying "one or more of the plurality of subscribers affected by the modification to the information stored in the information tracking component, and to communicate, to the one or more of the plurality of subscribers affected by the modification, the information as modified." Instead, Bowman is directed to providing efficient data retrieval including bundling data into a bundled data structure in response to a single call. Bowman, Abstract (reproduced below).

A system and method are provided for efficiently retrieving data. A total amount and type of data that may be used during an application executed by a client is determined in response to a first client request. The total amount and type of data that may be used during execution of the application is a superset of the data required to satisfy the first client request. In a single call, the total amount and type of data from a server is requested over a network. All of the requested data is bundled into a data structure by the server in response to the single call. The bundled data structure is sent to the client over the network and the data of the data structure is cached on the client. The cached data of the data structure is used as needed during execution of the application on the client in response to subsequent client requests.

Bowman, Abstract (as corrected by a Certificate of Correction).

Applicant respectfully disagrees with the Office's position that Bowman (as supplemented by the knowledge of one of skill in the art) makes the present subject matter obvious. Bowman (in combination with the knowledge of one of

ordinary skill in the art) fails to teach each and every feature of the recited claim as

is required for a combination under §103(a).

In particular, the push/pull services asserted by the Office in the pending

Action fail to teach or even suggest the above features in Claim 1. The apparently

relevant portion of Bowman is reproduced below.

Oracle WebServer
A multi-threaded HTTP server that provides integrated features for translating and dispatching client HTTP requests directly to the Oracle7 Server using PL/SQL.
Push Pull Services (2840)
Push/Pull Services allow for interest in a particular piece of information to be registered and then changes or new information to be communicated to the subscriber list. Traditional Internet users "surf" the Web by actively moving from one Web page to another, manually searching for content they want and "pulling" it back to the desktop via a graphical browser. But in the push model, on which subscription servers are based on, content providers can broadcast their information directly to individual users' desktops. The technology uses the Internet's strengths as a two-way conduit by allowing people to specify the type of content they want to receive. Content providers then seek to package the requested information for automatic distribution to the user's PC.
Depending upon requirements, synchronous or asynchronous push/pull services may be required. Synchronous push/pull services provide a mechanism for applications to be notified in real time if a subscribed item changes (e.g., a stock ticker). Asynchronous push/pull services do not require that a session-like connection be present between the subscriber and the information. Internet ListServers are a simple example. Subscribers use e-mail to register an interest in a topic and are notified via e-mail when changes occur or relevant information is available. Asynchronous push/pull services can be useful for pro-actively updating customers on changes in order status or delivering information on new products or services they have expressed an interest in.
PointCast; Marimba; IBM/Lotus; Microsoft; Netscape; America Online; BackWeb; Wayfarer
Castanet from Marimba—distributes and maintains software applications and content within an organization or across the Internet, ensuring subscribers always have the most up-to-date information automatically.
PointCast—news network that appears instantly on the subscribers computer screen.

Bowman, Col. 108, lines 10-49.

The passage fails to teach or suggest (at least) either "configured to receive

requests from the plurality of subscribers and modify the information stored in the

information tracking component in accordance with the requests" or "wherein the

publishing component is further configured to identify one or more of the plurality of subscribers affected by the modification to the information stored in the information tracking component, and to communicate, to the one or more of the plurality of subscribers affected by the modification, the information as modified." The reference does not teach the foregoing because the Bowman reference fails to teach that the "pushed content" (as asserted by the Office as being the relevant "information") is modified based on the requests from the plurality of subscribers or modifying "the information stored in the information tracking component in accordance with the requests."

The Bowman reference makes no provision for receiving "requests from the plurality of subscribers" in which "the information stored in the information tracking component in accordance with the requests". For example, while the present Application discloses that "[c]hanges made to particular information by one of the subscribers is made available to all subscribers of that information," (Application, Page 3, lines 9-11) the Bowman reference does not teach making changes from subscribers other than the "user", instead Bowman opts for a person specifying the type of content desired rather than "information stored in the information tracking component in accordance with the request". The Bowman "specification of content" fails to address "[c]hanges made to particular information by one of the subscribers". In the Bowman "push model", the content is not "affected by the modification" but instead is *that particular user's specified content of interest*. For at least the reasons above, not every feature is disclosed in

the combination and the pending rejection is improper and should be removed. For at least the foregoing reasons, the pending rejection is improper. Removal of the pending rejection is requested and allowance is solicited.

With respect to the pending 35 U.S.C. § 103(a) rejection with respect to Garg, the rejection is reproduced below for convenience.

> 7.    Claims 1-6, 8,10, 12-19, 38, 39, and 42-47 are rejected under 35 U.S.C. 103 (a)
> as being unpatentable over Garg et al (U.S. Pat. No. 6,567,846).
>
> Garg substantially discloses the claimed invention including publishing information to
> the various users using push technology prior to the user requesting the content. In
> particular Bowman pushes a large set of content (including the content in which the user
> wants to receive) and then limiting or selecting a subset of that content based upon the
> particular user's desires. In this particular rejection, the Examiner interprets the various
> "components" as corresponding memory locations within a computer without software.
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> In other words, each memory address or group of addresses is a "component".
> However Garg does not explicitly disclose the system "components".
> However it would have been obvious to a person having ordinary skill in the art at the
> time the invention was made to modify Garg to include labeling each sections
> "components". Such a modification would have segregated the parts of the system
> which would help make debugging easier.

Pending Action, Pages 3-4.

Applicant respectfully disagrees with the Office's position. The Garg reference discloses a user interface for handling information objects. Garg, Abstract. "The primary feature of the data browser user interface is to allow requests for information in the form of a one-time query, the user defines or a persistent query, on data objects." Id. Although the Office has failed to provide any particular cite (it appears) that the Office is relying on the "push technology" disclosed in Garg for the basis of the present rejection. Consistent with the

Bowman reference, Garg discloses that push technology permits a user to designate information which is "pushed" to the user from time-to-time. In much the same manner as Bowman, the Garg reference fails to teach at least the following features with respect to Claim 1. For instance, Claim 1, in part, recites:

• "a subscriber request component configured to receive requests from the plurality of subscribers and modify the information stored in the information tracking component in accordance with the requests,

• wherein the publishing component is further configured to identify one or more of the plurality of subscribers affected by the modification to the information stored in the information tracking component, and to communicate, to the one or more of the plurality of subscribers affected by the modification, the information as modified."

Garg does not teach these feature as Garg never teaches or suggest that the push technology may be used in conjunction with receiving "requests from the plurality of subscribers and modify the information stored in the information tracking component in accordance with the requests". Garg does not do this because Garg is not concerned with modifying the information stored in the information tracking component in accordance with the (plurality of subscribers) request. This is to say that the pushed information in Garg is not modified in accordance with the requests. Instead, as in Bowman, information is pushed to the user based on a specific area of interest rather than based on modifications as recited. Garg, Col. 4, lines 30-40. For example, a user may specify areas of interest (such as stocks, horoscopes, movies) which may result in the user periodically receiving information related to the designated area of interest. As noted in Garg, the information is arbitrary. Garg, Col. 4, lines 37-40. This is to

say, that information is pushed to the user at a periodic interval and the information is not modified as recited in Claim 1. Garg also fails to teach or suggest, "identify one or more of the plurality of subscribers affected by the modification to the information stored in the information tracking component, and to communicate, to the one or more of the plurality of subscribers affected by the modification, the information as modified." Garg does not teach this because the information is arbitrarily forwarded to the user (automatically) which would (at least) fail to "identify one or more of the plurality of subscribers affected". Instead, Garg merely forwards information without identifying affected "one or more of the plurality of subscribers". As a result, Garg does not teach each and every feature. The Office's reference to the knowledge of one of ordinary skill in the art is misplaced as the contended knowledge is not cited as correcting these deficiencies in Garg nor has a proper foundation for taking "Official Notice" been laid with respect to the Office's rejection. In light of the foregoing, removal of the pending rejection is requested and allowance is solicited.

As the pending Action does not directly take issue with any specific language in the claims, Applicant believes that no response is due. Applicant notes that the Application currently includes independent Claims 1, 49 and 50 which have not been particularly addressed in the pending Action. These independent claims (and each claims respective dependent claims) contain features which are neither specifically rejected nor indicated as allowable. For at least the foregoing reasons, the pending rejection is improper. Removal of the pending rejection is requested and allowance is solicited.

*Conclusion*

The arguments presented above are not exhaustive; Applicant reserves the right to present additional arguments to fortify its position. Further, Applicant reserves the right to challenge the prior art status of one or more documents cited in the Office Action.

All objections and rejections raised in the Office Action having been addressed, it is respectfully submitted that the present application is in condition for allowance and such allowance is respectfully solicited. The Examiner is urged to contact the undersigned if any issues remain unresolved by this Amendment.

Respectfully Submitted,

Dated: _10.5.07_          By: _____

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